



Paper No. 16

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In re Application of
Carey V. Campbell
Application No. 08/499,423
Filed: July 7, 1995
Attorney Docket No. MP/84

ON PETITION

This is a decision on the petition filed October 13, 1998, to withdraw the holding of abandonment for the above-identified application. The Office sincerely apologizes for the delay in responding to the instant petition and for any inconvenience to petitioner caused by this delay.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely respond to the final Office action mailed March 17, 1998. A Notice of Abandonment was mailed October 1, 1998.

Petitioner asserts that a proper response was timely filed. In support of the petition, petitioner has submitted a copy of a return receipt post card date stamped September 16, 1998, which acknowledges receipt of: (1) a Letter of Transmittal (1 page); (2) Petition for Extension of Time (1 page in duplicate); (3) CPA application transmittal (3 pages in duplicate). A review of Office records indicates that the filing fee and excess claim fees associated with filing of the CPA and extension of time fee for three months extension of time was appropriately charged to petitioner's deposit account with a mailroom date of September 16, 1998.

The originally filed response was not matched with the file and has not been located. M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the correspondence was received in the PTO but not matched with the file.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to Technology Center 3700.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5608.

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